

**EXAMINER'S AMENDMENT**

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on September 25, 2008, Clifford Mass (Reg. No. 30,086) requested an extension of time for response within the third month and authorized the Director to charge Deposit Account No. 120425 the required fee of \$590 (\$1050-\$460) for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

*In the claims:*

- Cancel claim 28.

\* \* \* \* \*

## **DETAILED ACTION**

### ***Pending Claims***

Claims 1, 6, 7, 9, 10, 14, 16, 18-25, 27, and 30 are pending.

### ***Terminal Disclaimer***

1. The terminal disclaimer filed on September 22, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Pat.

No. 6,423,760 has been reviewed and is accepted. The terminal disclaimer has been recorded.

2. The terminal disclaimer filed on September 22, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Pat.

No. 6,998,438 has been reviewed and is accepted. The terminal disclaimer has been recorded.

3. The terminal disclaimer filed on September 22, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US Pat.

No. 6,838,490 has been reviewed and is accepted. The terminal disclaimer has been recorded.

### ***Response to Amendment***

4. The objection to claim 28 has been rendered moot by the cancellation of this claim.

5. The rejection of claim 28 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the combined limitations of claims 1-6 and 18 of U.S.

Patent No. 6,838,490 has been rendered moot by the cancellation of this claim.

6. The rejection of claims 1, 6, 7, 9, 10, 14, 16, 18-25, 27, and 30 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the combined

limitations of claims 1-6 and 18 of U.S. Patent No. 6,838,490 has been overcome with a timely filed terminal disclaimer.

7. The rejection of claim 28 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the combined limitations of claims 1-16 of U.S. Patent No. 6,998,438 has been rendered moot by the cancellation of this claim.

8. The rejection of claims 1, 6, 7, 9, 10, 14, 16, 18-25, 27, and 30 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the combined limitations of claims 1-16 of U.S. Patent No. 6,998,438 has been overcome with a timely filed terminal disclaimer.

9. The rejection of claim 28 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the combined limitations of claims 1-6, 22, and 23 of U.S. Patent No. 6,423,760 has been rendered moot by the cancellation of this claim.

10. The rejection of claims 1, 6, 7, 9, 10, 14, 16, 18-25, 27, and 30 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the combined limitations of claims 1-6, 22, and 23 of U.S. Patent No. 6,423,760 has been overcome with a timely filed terminal disclaimer.

***Allowable Subject Matter***

11. Claims 1, 6, 7, 9, 10, 14, 16, 18-25, 27, and 30 are allowed.

***Communication***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Feely whose telephone number is (571)272-1086. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Feely/  
Primary Examiner, Art Unit 1796

September 30, 2008